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RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1746

PATENT  
0965-0232P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Toshiro NISHI et al. Conf.: 9403  
Appl. No.: 09/118,833 Group: 1746  
Filed: July 20, 1998 Examiner: J. Crepeau  
For: SOLID ELECTROLYTE TYPE FUEL BATTERY

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

**MS AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 15, 2004

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated January 15, 2004 of the Primary Examiner finally rejecting claims 4-30.

This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of ( ) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.

An extension of ( ) month(s) for responding to the Final Rejection was previously requested and paid for on \_\_\_\_\_. Thus a fee of \$0.00 is required to obtain an additional ( ) month(s) for filing the Notice of Appeal.

Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

Large entity - \$330.00

Small Entity - \$165.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$330.00.

Payment of the above TOTAL FEE is being made in the following manner:

Check(s) in the amount of \$330.00 is/are enclosed.

Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
\_\_\_\_\_  
Marc S. Weiner, #32,181

MSW/REG:jls  
0965-0232P

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(Rev. 02/12/2004)